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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9907
INFO RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA 2961
RUEHLM/AMEMBASSY COLOMBO 1233
RUEHKA/AMEMBASSY DHAKA 1207
RUEHNE/AMEMBASSY NEW DELHI 2161
RUEHUL/AMEMBASSY SEOUL 4855
RUEHGP/AMEMBASSY SINGAPORE 6318
RUEHKO/AMEMBASSY TOKYO 2423
RUEHWL/AMEMBASSY WELLINGTON 3000
RUEHHK/AMCONSUL HONG KONG 2917
RUEHPT/AMCONSUL PERTH 1081
RUEAWJB/DEPT OF JUSTICE WASHDC
RHEHNSC/NSC WASHDC
RUEHLMC/MILLENNIUM CHALLENGE CORP 0068
RUEAIIA/CIA WASHDC

UNCLAS SECTION 01 OF 02 JAKARTA 001631

SENSITIVE
SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, INL FOR ROSS
DEPT FOR EEB/IFD/OMA
DOJ/OPDAT FOR LEHMANN/ALEXANDRE
SINGAPORE FOR TREASURY/BAKER
MCC FOR LONGI
NSC FOR EPHU

E.O. 12958: N/A
TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [KMCA](#) [PREL](#) [ID](#)
SUBJECT: SUPREME COURT CHIEF JUSTICE SET TO RETIRE; SEARCH
ON FOR SUCCESSOR

REF: A. JAKARTA 1509
[1](#)B. JAKARTA 956
[1](#)C. 07 JAKARTA 514 AND PREVIOUS

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[1](#)1. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

[1](#)2. (SBU) SUMMARY: The Chief Justice of the Indonesian Supreme Court will retire in November. The selection process for his replacement has started in the Indonesian House of Representatives (DPR). Although Chief Justice Bagir Manan has generally disappointed initial expectations of modernization, the court has worked to achieve some substantive reforms under his leadership.

[1](#)3. (SBU) SUMMARY (Con'd): The Chief Justice recently provided an update on the Court's ongoing modernization program, much of which is funded through the Millennium Challenge Corporation (MCC). President Yudhoyono has pledged his support for these reforms. Along with the Constitutional Court, the Supreme Court is at the apex of the Indonesian judiciary, and its chief justice position is crucial for leadership on reform. END SUMMARY.

PICKING A NEW CHIEF JUSTICE

[1](#)4. (SBU) Having reached the mandatory retirement age (which is 67), long-time Supreme Court Chief Justice Bagir Manan is scheduled to retire on November 1. The process to select his replacement has already begun. (Note: Manan has been in office since 2001 and is bound to be a continuing presence on the legal scene even after his near-term retirement. Along with other important Indonesians, he participated in a USG leadership program focused on corruption earlier this year.)

15. (SBU) The replacement process is a bit complex. In early September, the DPR committee which deals with judicial issues (known as "Commission III") will conduct hearings into the qualifications of the 18 short-listed candidates selected by the Judicial Commission, an independent body. (Note: The Judicial Commission was formed by the DPR in 2005 with a mandate to strengthen the integrity of the judiciary. So far, it has not had much of an impact.) While the selection process and candidate list to fill vacated positions on the Constitutional Court were widely discussed (see Ref A), the selection process for the Supreme Court has been much less transparent. Based on the DPR's recommendation, all the justices on the Supreme Court--there are about 50--will then vote and make the final decision as to who will be the next chief justice. (Note: Judges on the Constitutional Court recently chose a new chief justice for that court, Md. Mahfud. Mahfud has already made a mark on the judicial scene, asserting during a recent speech that Sharia-based laws put in place by localities are unconstitutional--see Ref A.)

ANNUAL MEETING SIGNALS FURTHER REFORM

16. (SBU) Separately on August 4, the Supreme Court held its annual meeting in Jakarta. President Yudhoyono opened the meeting by pledging his continued support for court modernization, the meeting's predominant theme.

17. (SBU) In order to achieve the goal of court modernization, the Chief Justice--in pro-reform remarks given at the meeting--announced that in 2009 the court would conduct a staffing assessment. In addition, it would conduct

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training on court administration, court budgeting and discipline. Moreover, all courts would collect court fee payments through financial institutions. To facilitate the reform process, he called for more work to socialize Court Administration Guidelines plus the recently enacted Judicial Code of Conduct and a new Court Transparency Decree among court officials and staff.

USG: A KEY CONTRIBUTION

18. (SBU) Along with the Constitutional Court, the Supreme Court is at the apex of the judiciary and its chief justice position is crucial for real reform. Unfortunately, the current occupant has not always earned widespread confidence about his ability to manage court reforms, though he has been more vocal on the need for positive movement. (Note: This is perhaps due to his participation in the in-depth U.S. program mentioned above which took place earlier this year.)

19. (SBU) That said, the Chief Justice and other members of the Supreme Court have repeatedly expressed to Mission their thanks for U.S. assistance to the courts and their desire for continued and increased cooperation. Most of the activities and goals outlined in the Chief Justice's recent speech would be funded through USG MCC Threshold Program assistance. The Chief Justice's statements during the recent meeting signal that court reform is still very much on the agenda. That is good news since the judicial sector needs a lot of work to ensure that proper standards are followed and that corruption is cut way down.

HUME